

## Enclosures

cc: Mr. Stephen Berry  
Idaho Department of Environmental Quality  
[stephen.berry@deq.idaho.gov](mailto:stephen.berry@deq.idaho.gov)

Mr. David Anderson  
IDEQ, Twin Falls Regional Office  
[david.anderson@deq.idaho.gov](mailto:david.anderson@deq.idaho.gov)

Mr. Tom Scott  
Director of Farm Outgrow Operations, Rim View Trout Farm  
[tom.scott@clearsprings.com](mailto:tom.scott@clearsprings.com)

At the time of the inspection, the inspector found that the November and December 2015 DMRs were missing and a Facility representative did not sign copies of the July and August 2015 DMRs. These are violations of Parts V.F and VII.E.1 of the Permit.

5. Part V.C of the Permit states, "Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit or approved by EPA as an alternate test procedure under 40 C.F.R. §136."

Table II of 40 C.F.R §136.3 lists the specific preservation temperatures for the various effluent components. With few exceptions, the standard preservation temperature is between 4° and 6° Celsius.

At the time of the inspection, the inspector noted that the August 5, 2015 chain-of-custody showed a sample temperature of 15°C upon receipt by the Clear Springs Foods, Inc. laboratory. The temperature upon receipt by the lab is well above the preservation temperatures listed in 40 C.F.R §136. This is a violation of Part V.C of the Permit.

6. Part II.E.1 of the Permit states, "All permittees with offline settling basins that discharge directly to receiving water must conduct receiving water monitoring quarterly for ammonia, pH, and temperature upstream from the outfall."

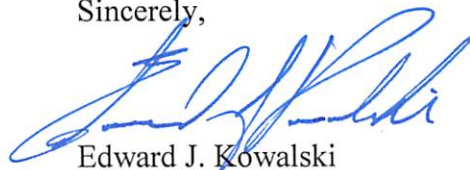
At the time of the inspection, the inspector observed that the receiving water collection point was downstream from the offline settling basin outfall. Although Facility representatives have discussed with EPA the lack of quality sampling locations due to an upstream fish farm, the Facility must still follow the Permit unless amended. This is a violation of Part II.E.1 of the Permit.

On December 21, 2015, the NPDES Electronic Reporting Rule became effective. Permittees with a DMR requirement will have one year from this date to submit DMRs through NetDMR. Additional information is enclosed (Enclosure B).

Although our goal is to ensure NPDES facilities comply fully with their permits, the ultimate responsibility rests with the permittee. As such, I want to strongly encourage you to continue your efforts to maintain full knowledge of the Permit requirements, and other appropriate statutes, and to take appropriate measures to ensure compliance. Notwithstanding your response to this letter, EPA retains all rights to pursue enforcement actions to address these and any other violations.

I have enclosed a copy of the inspection report (Enclosure C). If you have any questions concerning this matter, please do not hesitate to contact Raymond Andrews of my staff at (206) 553-4252.

Sincerely,



Edward J. Kowalski  
Director

Appendix A of the Permit contains a copy of the Notice of Intent (NOI) request form with blanks for required information such as owner and facility information, operations and production information, and quantity of fish produced. The NOI also requires a signature and certification by an authorized representative of the permittee.

At the time of the inspection, the inspector found on-file an unsigned and uncertified NOI dated December 3, 2012. A signed and certified copy of the NOI should be maintained on-site. The inspector also noted that the Facility left blank the projected maximum pounds of feed per month and per year on both the NOI maintained on-file at the Facility, and the NOI submitted to EPA. These are violations of Part I.C.2 of the Permit.

2. Part III.C of the Permit states, "A permittee must certify that a BMP Plan has been developed and is being implemented, and must submit the certification, which includes the information specified in Appendix F, to EPA and to the responsible IDEQ office (§I.C.1, above). An existing permittee must submit the certification within 90 days of the effective date of this permit. A new permittee must submit the certification with the written Notice of Intent to be covered under this permit."

At the time of the inspection, the inspector noted that the Best Management Practices (BMP) plan on-file at the Facility was not signed or certified. The inspector further noted that Clear Springs Foods, Inc. took operational control of the Facility in November 2012. The letter to the EPA and Idaho Department of Environmental Quality certifying the BMP plan was dated May 3, 2013. These are violations of Part III.C of the Permit.

3. Part II.F of the Permit states, "A permittee must certify that a QA Plan has been developed and is being implemented and must submit the certification, which includes the information specified in Appendix F, to EPA and to the responsible IDEQ office (§I.C.1, above) within 90 days of the effective date of this permit. A new permittee must submit the certification with the written Notice of Intent to be covered under this permit."

At the time of the inspection, the inspector noted that, similar to the BMP plan, the QA plan on-file at the Facility had not been signed or certified. The inspector also noted that the letter to EPA, dated May 3, 2013, certifying that the Facility created and implemented the QA plan was also late since, as stated above, Clear Springs Foods, Inc. took operational control of the Facility in November 2012. These are violations of Part II.F of the Permit.

4. Part V.F of the IDG130011 permit states, in part, "The permittee must retain records of all monitoring information, including, all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, copies of DMRs, a copy of the NPDES permit, and records of all data used to complete the Notice of Intent for this permit, for a period of at least five years from the date of the sample, measurement, report or Notice of Intent submittal."

Part VII.E.1 of the Permit states, in part, "All Notices of Intent, reports or information submitted to EPA and IDEQ must be signed and certified."



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10

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Seattle, Washington 98101-3140

MAY 3 1 2016

OFFICE OF  
COMPLIANCE AND ENFORCEMENT

Reply to: OCE-101

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

**NOTICE OF VIOLATION**

Mr. Randy McMillan  
Operator  
Clear Lake Trout Farm II  
P.O. Box 712  
Buhl, Idaho 83316

Re: Clear Lake Trout Farm II – Clear Springs Foods, Inc.  
NPDES Permit Number IDG130011

Dear Mr. McMillan:

On behalf of the United States Environmental Protection Agency (EPA), I would like to express my appreciation for your time and cooperation during the March 9, 2016, Clean Water Act (CWA) inspection of Clear Lake Trout Farm II ("Facility"). The purpose of the inspection, and subsequent administrative file review, which included Discharge Monitoring Reports (DMRs) submitted by the Facility, was to determine compliance with the requirements of the CWA and the National Pollution Discharge Elimination System (NPDES) general permit number IDG130011 ("Permit") for *Aquaculture Facilities in Idaho, subject to Wasteload Allocations under Selected Total Maximum Daily Loads*. The purpose of this letter is to notify you of the results of the EPA's inspection and administrative file review. No effluent exceedance violations were found during the administrative file review of DMRs from March 2011 through April 2016.

**ADMINISTRATIVE FILE REVIEW**

Part II.E.6 of the Permit states, in part, "Receiving water monitoring results must be submitted to EPA with copies to IDEQ with the DMRs for the month when the monitoring is conducted."

During a review of administrative files from March 2011 through April 2016, EPA found that four quarterly receiving water-monitoring reports were late. These are violations of Part II.E.6 of the permit. A list of the violations is enclosed (Enclosure A).

**MARCH 2016 INSPECTION**

1. Part I.C.2 of the Permit states, "The information required to complete an NOI is listed in Appendix A of this permit."